

Dated: April 12, 2012



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 John N. Skiba, Esq. #022699
 Counsel for the Debtor(s)

James M. Marlar, Chief Bankruptcy Judge

5 **IN THE UNITED STATES BANKRUPTCY COURT**
 6 **IN AND FOR DISTRICT OF ARIZONA**

<p>7 In re:</p> <p>8 Scott Alan Dickinson,</p> <p>9 Debtor(s).</p>	<p>10 Chapter 13 Proceedings</p> <p>11 Case No: 2:11-bk-4711-JMM</p> <p>12 STIPULATED ORDER CONFIRMING</p> <p>13 CHAPTER 13 PLAN</p>
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14 The Chapter 13 Plan having been properly noticed out to creditors and any objection to
 confirmation having been resolved,

15 **IT IS ORDERED** confirming the Plan of the Debtor as follows:

16 (A) **INCOME SUBMITTED TO THE PLAN.** Debtor shall submit the following
 amounts of future income to the Trustee for distribution under the Plan.

17 (1) Future Earnings or Income. Debtor shall make the following monthly Plan
 payments:

<u>Months</u>	<u>Amounts</u>
1-60	\$810.00

21 The payments are due on or before the 24th day of each month commencing March
 22 24, 2011. Debtors are advised that when payments are remitted late, additional
 23 interest may accrue on secured debts, which may result in a funding shortfall at the

1 end of the Plan term. Any funding shortfall must be cured before the plan is deemed
2 completed.

3 The Debtors shall provide, directly to the Trustee copies of their federal and state
4 income tax returns for post-petition years within 30 days of filing them. The purpose
5 is to assist the Trustee in determining any change in debtor's annual disposable
income.

6 (2) Other Property. None.

7 In no event will the term of the Plan be reduced to less than 60 months, exclusive of
8 any property recovered by the Trustee, unless all allowed claims are paid in full.

9 (B) **DURATION.** This Plan shall continue for 60 months from the first regular monthly
10 payment described in Paragraph (A)(1) above. If at any time before the end of the
11 Plan period all claims are paid, then the Plan shall terminate.

12 (C) **CLASSIFICATION AND TREATMENT OF CLAIMS.** Claims shall be
13 classified and paid as listed below. The Plan and this Order shall not constitute an
14 informal proof of claim for any creditor. The Trustee shall receive the percentage fee
15 on the Plan payments pursuant to 28 U.S.C. § 586(e), then the Trustee will pay
16 creditors in the following order:

17 (1) Administrative Expenses:

18 Attorney Fees. Attorney John Skiba of the Skiba Law Group, PLC shall be
19 allowed total compensation of \$4,500. All fees listed in section (F)(1) of the Plan
20 are included in the flat fee including adversarial proceedings to avoid the liens on
21 Debtor's residence held by GMAC and HFC-USA.

22 Counsel received \$2,000.00 prior to filing this case and will be paid \$2,500 by the
23 Chapter 13 Trustee.

(2) Claims Secured by Real Property:

a. **U.S. Bank National Association as Trustee for RASC 2005KS10,**
secured by a first deed of trust in the Debtor's residence, shall be paid the

prepetition arrearage of \$10,479.06 with 0.00% interest. Regular post-petition payments will be made directly by the Debtors to the secured creditor.

- b. **GMAC's** interest in Debtor's residence, secured by a second deed of trust in the Debtor's residence, shall be voided pursuant to an adversarial proceeding. Any remaining balance shall be treated as a general non-priority unsecured claim.
- c. **HFC-USA's** interest in Debtor's residence, secured by a third deed of trust in the Debtor's residence, shall be voided pursuant to an adversarial proceeding. Any remaining balance shall be treated as a general non-priority unsecured claim.

(3) Claims Secured by Personal Property:

a. **C.A.G. Acceptance, LLC**, secured by a lien in a 2008 BMW 328i, shall be paid \$11,982.65 with 5.00% interest. The creditor will receive adequate protection payments of \$110.00 per month. The balance of the claim shall be classified as an unsecured non-priority claim.

(4) Unsecured Priority Claims:

- a. **The Department of the Treasury/Internal Revenue Service** will be paid \$2,172.00, the total priority claim through the Plan with no interest.
- b. **The Arizona Department of Revenue** will be paid \$922.00, the total priority claim through the Plan with no interest.

(5) Surrendered Property:

- a. Upon confirmation of this plan or except as otherwise ordered by the Court, bankruptcy stays are lifted as to collateral to be surrendered. Such creditor shall receive no distribution until the creditor timely files a claim or an amended proof of claim that reflects any deficiency balance remaining on the claim. Assuming the creditor has an allowed proof of claim, should the creditor fail to file an amended proof of claim consistent with this provision, the Trustee need not make any distributions to that creditor. Debtors surrender the following property: **None**.

1 (6) Other Provisions: None.

2 (7) Unsecured Nonpriority Claims: All other claims shall be classified as unsecured
3 and nonpriority. Such claims shall be paid pro rata the balance of the payments
4 under the Plan and any unsecured debt balance remaining unpaid at the end of the
Plan may be discharged as provided in 11 U.S.C. § 1328.

5 (D) **EFFECTIVE DATE AND VESTING.** The effective date of the Plan shall be the
6 date of this Order. Property of the estate vests in Debtors upon confirmation.

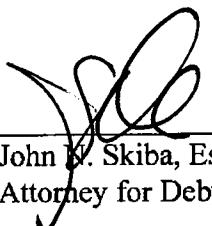
7 ORDER SIGNED AND DATED ABOVE

8 Approved as to Form and Content By:



13 Russell Brown
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15 16:09:45 -07'00'

16 Russell Brown
17 Chapter 13 Trustee

18 
19 John B. Skiba, Esq.
20 Attorney for Debtors

21 ~~2/14/12~~
22 Sanford Germaine, Esq.
23 Attorney for C.A.G. Acceptance, LLC

24 Debtor certifies that all required State and Federal income tax returns have been filed. No
25 domestic support obligation is owed, or if owed, such payments are current since the filing of the
26 Petition.

27 Scott Dickinson

(6) Other Provisions: None.

(7) **Unsecured Nonpriority Claims:** All other claims shall be classified as unsecured and nonpriority. Such claims shall be paid pro rata the balance of the payments under the Plan and any unsecured debt balance remaining unpaid at the end of the Plan may be discharged as provided in 11 U.S.C. § 1328.

(D) EFFECTIVE DATE AND VESTING. The effective date of the Plan shall be the date of this Order. Property of the estate vests in Debtors upon confirmation.

ORDER SIGNED AND DATED ABOVE

Approved as to Form and Content By:

Russell Brown
Chapter 13 Trustee

John N. Skiba, Esq.
Attorney for Debtors

Sanford Germaine, Esq.
Attorney for C.A.G. Acceptance, LLC

Debtor certifies that all required State and Federal income tax returns have been filed. No domestic support obligation is owed, or if owed, such payments are current since the filing of the Petition.

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